

## Remarks

In the present response, claims 1 – 9 and 21 – 24 are presented for examination.

### Claim Rejections: 35 USC § 102(e)

Claims 1 – 9 and 21 – 24 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,618,348 (Coffin). These rejections are traversed.

The claims recite numerous recitations that are not taught in Coffin. Some examples are provided below for the independent claims.

#### Claim 1

As one example, claim 1 recites “emitting a signal from a signal emitter on the cartridge engaging assembly into a chamber formed within the cartridge engaging assembly.” Coffin does not teach emitting a signal into a chamber formed within the cartridge engaging assembly. By contrast, Coffin teaches that the signal is emitted away from the chamber formed within the cartridge engaging assembly. Figures 3 – 5 in Coffin shows the illumination system 50 that emits signals away from the chamber of the cartridge engaging assembly 36.

In fact, Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines, not in the chamber of the cartridge engaging assembly:

More specifically, the cartridge engaging assembly 36 is operated so that as it moves along one of the cartridge access sides (e.g., cartridge access side 20) of the cartridge handling assembly 13, the bar code reader 10 reads the bar code labels 34 positioned on the **cartridges contained in the cartridge storage magazines** 16 located adjacent the third cartridge access side 24. (Emphasis added: Column 5, lines 27-33).

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, independent claim 1 and its dependent claims are allowable over Coffin.

As another example, claim 1 recites “generating output to indicate whether said data cartridge is present in said cartridge engaging assembly.” Coffin does not teach generating output to indicate whether a cartridge is present in the cartridge engaging assembly. Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines. In Coffin, the cartridges are read while they are “positioned adjacent the cartridge access side 58 of the cartridge handling system 36” (see column 5, lines 9-11). Coffin never detects whether a cartridge is present in the cartridge engaging assembly. The signal in Coffin is emitted away from and outside the cartridge engaging assembly. In Coffin, the cartridges are read while “contained in the cartridge storage magazines” (see column 10, lines 3-8).

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, independent claim 1 and its dependent claims are allowable over Coffin.

As yet another, claim 1 recites “identifying a type of said data cartridge present in said cartridge engaging assembly.” Coffin does not teach this element. The Office Action cites Coffin at column 1, lines 5-10. Applicants respectfully traverse.

Column 1, lines 5-10 discuss the existence of “different types of data storage systems” not identifying different types of data cartridges. In other words, Coffin discusses different storage systems, not different data cartridges.

In Coffin, the bar code reader is used to “identify each cartridge during a cartridge inventory operation” (column 5, lines 25-27). Nowhere does Coffin state that the bar code reader is used to identify a type of data cartridge.

Anticipation is established only when a single prior art reference discloses each and every element of a claimed invention united in the same way (see *RCA Corp. v.*

*Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984)). For at least these reasons, independent claim 1 and its dependent claims are allowable over Coffin.

#### Claim 6

As one example, claim 6 recites “producing a signal that is reflected by the presence of the data cartridge within said cartridge engaging assembly.” Coffin does not produce a signal reflected by the presence of a data cartridge within the cartridge engaging assembly. Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines. In Coffin, the cartridges are read while they are “positioned adjacent the cartridge access side 58 of the cartridge handling system 36” (see column 5, lines 9-11). Coffin never produces a signal by the presence of a data cartridge “within” the cartridge engaging assembly. The signal in Coffin is emitted away from and outside the cartridge engaging assembly. In Coffin, the cartridges are read while “contained in the cartridge storage magazines” (see column 10, lines 3-8).

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, independent claim 6 and its dependent claims are allowable over Coffin.

As another example, claim 6 recites a signal detector that indicates whether the data cartridge is present in the cartridge engaging assembly. Coffin does not detect whether a data cartridge is present in the cartridge engaging assembly. Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines. In Coffin, the cartridges are read while they are “positioned adjacent the cartridge access side 58 of the cartridge handling system 36” (see column 5, lines 9-11). Coffin never produces a signal by the presence of a data cartridge “in” the cartridge engaging assembly. The signal in Coffin is emitted away from and outside the cartridge engaging assembly. In Coffin, the cartridges are read while “contained in the cartridge storage magazines” (see column 10, lines 3-8).

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, independent claim 6 and its dependent claims are allowable over Coffin.

As yet another example, claim 6 recites identifying a type of data cartridge present in the cartridge engaging assembly. Coffin does not teach this element. The Office Action cites Coffin at column 1, lines 5-10. Applicants respectfully traverse.

Column 1, lines 5-10 discuss the existence of “different types of data storage systems” not identifying different types of data cartridges. In other words, Coffin discusses different storage systems, not different data cartridges.

In Coffin, the bar code reader is used to “identify each cartridge during a cartridge inventory operation” (column 5, lines 25-27). Nowhere does Coffin state that the bar code reader is used to identify a type of data cartridge.

Anticipation is established only when a single prior art reference discloses each and every element of a claimed invention united in the same way (see *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984)). For at least these reasons, independent claim 6 and its dependent claims are allowable over Coffin.

#### Claim 7

Claim 7 recites “detecting said signal when said signal is reflected from the data cartridge while said data cartridge is located inside said means for receiving” (emphasis added). Coffin does not detect whether a data cartridge is located inside the cartridge engaging assembly. Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines. In Coffin, the cartridges are read while they are “positioned adjacent the cartridge access side 58 of the cartridge handling system 36” (see column 5, lines 9-11). Coffin never produces a signal by the presence of a data cartridge “in” the cartridge engaging assembly. The signal in Coffin is emitted away from and outside the cartridge engaging assembly. In Coffin, the cartridges are read while “contained in the cartridge storage magazines” (see column 10, lines 3-8).

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, independent claim 7 and its dependent claims are allowable over Coffin.

As another example, claim 7 recites a means for detecting that generates an output to "indicate whether said data cartridge is present in said means for receiving." Coffin does not detect whether a data cartridge is present in the cartridge engaging assembly. Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines. In Coffin, the cartridges are read while they are "positioned adjacent the cartridge access side 58 of the cartridge handling system 36" (see column 5, lines 9-11). Coffin never produces a signal by the presence of a data cartridge "in" the cartridge engaging assembly. The signal in Coffin is emitted away from and outside the cartridge engaging assembly. In Coffin, the cartridges are read while "contained in the cartridge storage magazines" (see column 10, lines 3-8).

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, independent claim 7 and its dependent claims are allowable over Coffin.

As yet another example, claim 7 recites a means for detecting that generates an output to "interpret a bar code on said data cartridge while said data cartridge is located inside said means for receiving" (emphasis added). Coffin does not detect whether a data cartridge is located inside the cartridge engaging assembly. Coffin expressly teaches that the signal detects information from cartridges located outside of the chamber of the cartridge engaging assembly. Coffin reads the cartridges while they are still in the storage magazines. In Coffin, the cartridges are read while they are "positioned adjacent the cartridge access side 58 of the cartridge handling system 36" (see column 5, lines 9-11). Coffin never produces a signal by the presence of a data cartridge "in" the cartridge engaging assembly. The signal in Coffin is emitted away from and outside the cartridge engaging assembly. In Coffin, the cartridges are read while "contained in the cartridge storage magazines" (see column 10, lines 3-8).

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, independent claim 7 and its dependent claims are allowable over Coffin.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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